

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MPH TECHNOLOGIES OY,
Patent Owner,

Case IPR2019-00823
Patent 9,712,494

PATENT OWNER'S OBJECTIONS PURSUANT TO 37 C.F.R. § 42.64(b)(1)

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner MPH Technologies Oy (“Patent Owner”) hereby objects to the evidence presented in the following document submitted by Petitioner Apple Inc. (“Petitioner”).

Nothing in this paper should be construed as an admission that any rights of Patent Owner would have been waived or forfeited had the paper or any objection herein not been filed, or that 37 C.F.R. § 42.64(b) applies to any of the objections herein if § 42.64(b) would not otherwise apply. The objections herein are premised upon § 42.64 potentially being determined to apply to the document in question and are submitted solely to preserve the rights of Patent Owner should § 42.64(b) be determined to apply.

In accordance with 37 C.F.R. § 42.64, Patent Owner hereby objects to the following evidence referenced in Petitioner’s Reply, Paper 17, filed on June 1, 2020:

1. Exhibit 1025 Merriam-Webster’s Collegiate Dictionary: Patent Holder objects to this document as not being identified as part of the prior art relied upon in the grounds submitted in the Petition. Patent Holder objects to this exhibit as being irrelevant pursuant to FRE 401. Patent Holder objects to this exhibit as being inadmissible under FRE 403 because, *inter alia*, its probative value is outweighed by the danger of unfair prejudice and confusion of the issues.

2. Exhibit 1022 (Goldschlag Reply Declaration): Patent Holder objects to the testimony in this exhibit to the extent it relies upon or cites Ex. 1025.

Respectfully submitted,

/ James T. Carmichael /
James T. Carmichael, Reg. No. 45,306
CARMICHAEL IP, PLLC

Date: June 8, 2020

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date signed below:

PATENT OWNER'S OBJECTIONS PURSUANT TO 37 C.F.R. § 42.64(b)(1)

The names and address of the parties being served are as follows:

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Respectfully submitted,

/ James Carmichael /

Date: June 8, 2020